

MEMORANDUM

DATE: December 11, 2012

TO: The Board of Supervisors

FROM: Ellen Cook, Senior Planner II

SUBJECT: Zoning Ordinance Update – Housekeeping Items, including ZO-0006-2012 Floodplain, ZO-0007 Research and Technology District, ZO-0008-2012 Private Streets, and ZO-0009-2012 Procedural/Submittal Requirements and Definitions

The Board of Supervisors has adopted a series of zoning ordinance amendments as part of the Zoning Ordinance Update process. Staff has identified five ordinance sections (Floodplain Area Regulations, Procedural Descriptions/Submittal Requirements, Definitions, Research and Technology, and Private Streets) where additional revisions are necessary either to fix minor grammatical or consistency issues or to further clarify the previously adopted ordinances. The Policy Committee considered the proposed changes to the above-referenced ordinance sections on September 4, 2012, and made recommendations for minor changes which were presented to the Board of Supervisors at its work session on September 25, 2012.

The following list represents a brief summary of the specific changes. The attached ordinances reflect the input of both the Policy Committee and Board of Supervisors.

1) Floodplain Area Regulations Overlay District

On November 22, 2011, the Board of Supervisors adopted a series of amendments to the Floodplain Area Regulations in the Zoning Ordinance. Since that time, staff has identified several minor items that require further amendment or clarification. These items include the following:

- Section 24-590 – Changes two references to the County Engineer to reference instead the Development Management Director or his designee. This change is necessary because there is no longer a designated County Engineer position.
- Section 24-595 – Clarifies ordinance language that requires utilities to be flood proofed to the level of two feet above the 100-year base flood elevation to specifically state that mechanical, plumbing, gas, and electrical systems are all considered utilities for the purposes of the Floodplain Area Regulations are also subject to this requirement. This change will further improve the County's Community Rating System (CRS) rating while benefiting homeowners within the floodplain.

2) Procedural Descriptions/Submittal Requirements

On June 12, 2012, the Board of Supervisors adopted a series of amendments to the Procedural Description and Submittal regulations in the Zoning Ordinance. Since its adoption, staff has identified a few items that require further amendment or clarification. These items include the following:

- Section 24-23(a)(2)(f) – Adds a procedure allowing applicants to appeal the Planning Director's decision regarding master plan consistency determination to the Development Review Committee (DRC). This addition is consistent with the role of the DRC as presented in other sections of the Zoning Ordinance. Per Policy Committee comments, there is an additional change of re-inserting an area designation category "D" for apartments and splitting the general multifamily category "B" into "B" – multifamily containing up to and including four dwelling units and "C" – multifamily containing more

than four dwelling units. This change will make the submittal requirements table consistent with what was adopted in the Mixed Use, R-4, and Planned Unit Development District ordinances.

- Section 24-23 (a)(4) – Reverts approved language referencing a fee schedule back to the original language referencing Section 24-7. This change is necessary because the Administrative Fees section was not removed from the ordinance.
- Section 24-145 (b) – Changes two references to the Zoning Administrator instead the Planning Director. This change is necessary to ensure consistency with the rest of the Zoning Ordinance.

3) Definitions

On July 11, 2012, the Planning Commission recommended approval of a series of amendments to the Definitions section in the Zoning Ordinance, and the Board of Supervisors adopted these amendments on September 11, 2012. Following Planning Commission consideration on July 11, staff identified a few items that require further amendment, mostly to correct grammatical errors. Staff determined that because the Planning Commission had already considered the initial amendments, any further changes should be handled through the housekeeping ordinance items rather than making changes to the ordinance between the Planning Commission and Board of Supervisors meetings. These items include definitions for the following:

- Acreage parcel;
- Building, height of;
- Street functional classification;
- Iso-foot candle diagram;
- Mobile home;
- Noninterference/intermodulation study;
- Start of construction; and
- Tourist home.

4) RT, Research and Technology

On September 11, 2012, the Board of Supervisors adopted a series of amendments to the Residential and Multiple Use sections in the Zoning Ordinance. Staff identified that the Research and Technology District, which was not included in the package of amendments adopted on September 11, contains some language that should be identical to language contained within the Residential and Multiple Use districts. These items include the following:

- Converts the permitted/specially permitted use lists into table format;
- Changes the use “warehouse, storage and distribution centers to serve only uses permitted in the RT, research and technology district, with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent properties” from a specially permitted to a permitted use;
- Simplifies of the Submittal Requirements section;
- Changes items in the Requirements for Improvements and Design section to coordinate with changes to private streets and outdoor lighting;
- Removes the nondevelopable land definition which is now covered in the Definitions section;
- Changes the Setback Requirements section to specify Planning Director review of reductions and modifications, with appeal to the Development Review Committee; and
- Incorporates changes to coordinate with the wireless communication facility amendments.

5) Private Streets

On November 22, 2011, the Board of Supervisors adopted a series of amendments to the private streets regulations in the Zoning Ordinance. Since that time, staff has developed the R-3, Residential Redevelopment District, which will require a reference. In addition, this section will be revised to remove the R-5, Cluster provision, since this option has been removed from the R-5 District ordinance.

RECOMMENDATION

At its November 7, 2012, meeting, the Planning Commission recommended approval of the Floodplain Area Regulations, Procedural Descriptions/Submittal Requirements, Definitions, Research and Technology District, and Private Streets amendments by a vote of 6-0. Staff recommends that the Board of Supervisors approve the attached revised ordinances.

Ellen Cook

CONCUR:

Allen J. Murphy, Jr.

EC/gb
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Attachments:

1. Minutes of the November 7, 2012, Planning Commission meeting
2. Floodplain Area Regulations Overlay District amendments
3. Procedural Descriptions/Submittal Requirements amendments – includes Sections 24-23 and 24-145
4. Definition amendments
5. Research and Technology District amendments
6. Private Street amendments
7. Clean copies of the ordinances (in Reading File)